

D. CONTROL AND DISTRIBUTION OF TIME FOR DEBATE

§ 24. In General; Role of Manager

In the practice of the House, one or more designated Members manage a measure during its consideration on the floor of the House. The manager of the measure has prior right to recognition unless he surrenders or loses control or unless a preferential motion is offered which is within the province of those who oppose the bill.⁽³⁾

The manager is generally designated by the committee reporting the bill or resolution and is normally the chairman of the full committee or of the relevant subcommittee. Where a proposition is considered pursuant to a special order from the Committee on Rules, the special order typically provides that debate be controlled by the chairman and ranking minority member of the committee which has applied to the Committee on Rules for such an order.⁽⁴⁾

3. For prior rights to recognition of the Member in control, see §§ 24.1, 24.2, *infra*. An example of a motion within the province of the opposition (with priority of recognition to the minority party) is the motion to recommit (see Ch. 23, *supra*). For the surrendering or losing of control, see § 33, *infra*.
4. For management by the reporting committee, see § 26, *infra*. The effect

If a measure is considered under the hour rule in the House, the Member calling it up is normally entitled to one hour of debate, which he may in his discretion yield to other Members. He may at any time move the previous question, thereby bringing the matter to a vote and terminating further debate.⁽⁵⁾ On conference reports and amendments reported in disagreement from conference, the hour is equally divided between the majority and minority parties.⁽⁶⁾ Where a bill is called up in the House under suspension of the rules, debate continues for forty minutes, equally divided (see Chapter 21, *supra*).

If a matter is to be considered in the Committee of the Whole, general debate therein is controlled and divided by the Members in charge. When the bill is read for amendment in the Committee, the managers have prior right to recognition for debate and to move to limit debate or to move that the Committee rise.⁽⁷⁾

and forms of special orders are discussed in § 28, *infra*.

5. For further discussion of the hour rule, see § 68, *infra*. For the previous question, see § 24.21, *infra*.
6. See Ch. 33 (House-Senate Conferences), *infra*. See also § 26, *infra*, for the requirement that one-third of debate time be allotted to one opposed.
7. For priority of recognition to move that the Committee rise, see § 24.15,

During consideration in the House as in the Committee of the Whole, only five-minute debate is conducted, with priority of recognition to members of the reporting committee for debate or to move the previous question or to limit debate.

Cross References

Calling up and passing bills and resolutions generally, see Ch. 24, *supra*.

Committee procedure as to management of bills, see Ch. 17, *supra*.

Management of bills called up under suspension of the rules, see Ch. 21, *supra*.

Management of bills on the various calendars, see Ch. 22, *supra*.

Management of resolutions of impeachment, see Ch. 14, *supra*.

Manager's Prior Right to Recognition

§ 24.1 Where more than one Member seeks recognition, the Speaker recognizes the Member in charge of the bill or resolution if he seeks recognition.

On Sept. 11, 1945,⁽⁸⁾ Mr. Robert F. Rich, of Pennsylvania, and Mr. Adolph J. Sabath, of New York, arose at the same time seeking

infra. For priority of recognition to move to close debate, see § 24.16, *infra*.

8. 91 CONG. REC. 8510, 79th Cong. 1st Sess.

recognition on a bill being handled by Mr. Sabath. Speaker Sam Rayburn, of Texas, recognized Mr. Sabath since he had priority of recognition as the Member in charge and then answered parliamentary inquiries on the order of recognition:

MR. RICH: After the reading of section 4 of the bill which contained subsections (a), (b), and (c), could not a Member have risen to strike out the last word and have been recognized?

THE SPEAKER: The gentleman did not state for what purpose he rose. The gentleman from Illinois who is in charge of the resolution was on his feet at the same time. The Chair recognized the gentleman from Illinois, and the gentleman from Illinois made a preferential motion.

MR. [CLARE E.] HOFFMAN [of Michigan]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. HOFFMAN: Must a Member on the floor addressing the Speaker state the purpose for which he addresses the Speaker before he may be recognized?

THE SPEAKER: Two Members rose. The Speaker always has the right to recognize whichever Member he desires. The Chair recognized the gentleman from Illinois who was in charge of the resolution. The gentleman from Illinois made a preferential motion; the Chair put the motion and it was adopted.⁽⁹⁾

9. For more extensive discussion of the priority of recognition for the Member in control, see § 14, *supra*.

§ 24.2 Where the Member handling a bill on the floor and a minority Member both seek recognition, the Chair gives preference to the former.

On Nov. 15, 1967,⁽¹⁰⁾ the Committee of the Whole was considering H.R. 2388, economic opportunity amendments, reported by the Committee on Education and Labor (chaired by Carl D. Perkins [Ky.]). Mr. Edward J. Gurney, of Florida, sought recognition to offer an amendment, but Chairman John J. Rooney, of New York, recognized Mr. Perkins to submit a unanimous-consent request (to close debate at a certain hour).

Mr. Gurney made a point of order against recognition of Mr. Perkins, and the Chairman overruled the point of order:

MR. GURNEY: Mr. Chairman, I am a member of the committee. I was on my feet. The Chair recognized me, and I did not yield for a unanimous-consent request on the other side.

THE CHAIRMAN: The Chair asked the gentleman for what purpose he rose.

MR. GURNEY: And I said to offer an amendment, and I was recognized for that purpose.

THE CHAIRMAN: The Chair had not recognized the gentleman from Florida at that point.

The Chair now recognizes the gentleman from Florida.

10. 113 CONG. REC. 32655, 90th Cong. 1st Sess.

Manager's Right To Open and Control Debate

§ 24.3 A Member calling up a measure or offering a motion in the House is recognized to open and to control debate thereon.⁽¹¹⁾

Control of Time Where Manager Is Opposed

§ 24.4 The senior manager on the part of the House at a conference called up for consideration and managed the debate on the conference report, although he had not signed the report and was opposed to it.

11. See, for example, 114 CONG. REC. 30217, 90th Cong. 2d Sess., Oct. 8, 1968 (special order from Committee on Rules); 113 CONG. REC. 14, 90th Cong. 1st Sess., Jan. 10, 1967 (prior to adoption of rules); 111 CONG. REC. 23608, 89th Cong. 1st Sess., Sept. 13, 1965 (motion to reconsider); 105 CONG. REC. 11599, 86th Cong. 1st Sess., June 23, 1959 (conference report); 96 CONG. REC. 1514, 81st Cong. 2d Sess., Feb. 6, 1950 (question of privilege); 89 CONG. REC. 7051, 78th Cong. 1st Sess., July 2, 1943 (override of veto); 87 CONG. REC. 3917, 77th Cong. 1st Sess., May 12, 1941 (District of Columbia bills); 80 CONG. REC. 7025-27, 74th Cong. 2d Sess., May 11, 1936 (motion to discharge a committee); and 78 CONG. REC. 4931, 73d Cong. 2d Sess., Mar. 20, 1934 (unanimous-consent consideration of bill).

On Dec. 6, 1967,⁽¹²⁾ William R. Poage, of Texas, Chairman of the Committee on Agriculture and senior manager for the House in conference on H.R. 12144, the Federal Meat Inspection Act of 1967, called up the conference report on that bill and managed the debate thereon. Mr. Poage delivered the following remarks when calling up the report:

Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, today I find myself in the same position which I occupied when we sent this bill to conference. I have no desire to interfere with or delay consideration of the bill. I full well recognize the very proper desire of every Member of this House to secure and maintain the very best possible meat inspection program for the United States. I join in that desire. The conference report which our committee brings you is intended to achieve that result. I hope it will.

This report is signed by all of the conferees on the part of the Senate and all but two of the conferees on the part of the House. I am one of those two.⁽¹³⁾

Manager Recognized in Opposition to Amendment

§ 24.5 Where a special rule limits debate on designated

12. 113 CONG. REC. 35144–55, 90th Cong. 1st Sess.

13. For occasions where the manager of a bill relinquished control by reason of his opposition thereto, see §§ 26.7, 26.8, *infra*.

amendments and allocates time between the proponent and an opponent, the manager of the bill will be recognized to control debate in opposition to the amendment if he qualifies as opposed.

On Dec. 1, 1982,⁽¹⁴⁾ during consideration of H.R. 6995 (Federal Trade Commission Authorization Act) in the Committee of the Whole, the Chair responded to an inquiry regarding debate, as indicated below:

MR. [JAMES T.] BROYHILL [of North Carolina]: Mr. Chairman, I have a parliamentary inquiry with respect to the procedure followed here.

It is my understanding that the gentleman from New Jersey (Mr. Florio) [the manager of the bill] will control the time in opposition to the Luken amendment; is that correct?

THE CHAIRMAN:⁽¹⁵⁾ If the gentleman is opposed to the amendment.

MR. [JAMES J.] FLORIO [of New Jersey]: I am, Mr. Chairman.

THE CHAIRMAN: The gentleman from New Jersey (Mr. Florio) will therefore be recognized to control the time in opposition to the amendment offered by the gentleman from Ohio.

§ 24.6 Where a special rule adopted by the House limits debate on an amendment to be controlled by the propo-

14. 128 CONG. REC. 28235, 97th Cong. 2d Sess.

15. George E. Brown, Jr. (Calif.).

nent and an opponent, and prohibits amendments thereto, the Chair may in his discretion recognize the manager of the bill if opposed and there is no requirement for recognition of the minority party.

The following proceedings occurred in the Committee of the Whole on June 18, 1986,⁽¹⁶⁾ during consideration of H.R. 4868 (Anti-Apartheid Act of 1986):

THE CHAIRMAN:⁽¹⁷⁾ Under the rule, the gentleman from California (Mr. Dellums) will be recognized for 30 minutes, and a Member opposed to the amendment will be recognized for 30 minutes.

Will those gentlemen who are opposed to the Dellums amendment kindly stand so the Chair can designate?

Is the gentleman from Washington (Mr. Bonker) opposed to the amendment?

MR. [DON] BONKER [of Washington]: I advise the Chair that I oppose the amendment.

THE CHAIRMAN: Then the Chair will recognize the gentleman from Washington (Mr. Bonker) for 30 minutes in opposition to the Dellums amendment.

Does the gentleman from Washington wish to yield any of his time or share any of his time?

MR. BONKER: Mr. Chairman, I would yield half the allotted time, 15 min-

utes, to the gentleman from Michigan (Mr. Siljander).

THE CHAIRMAN: The time in opposition will be equally divided between the gentleman from Washington (Mr. Bonker) and the gentleman from Michigan (Mr. Siljander). . . .

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Chairman, do I understand that the process that has just taken place has given the minority side one-quarter of the time.

THE CHAIRMAN: The Chair would counsel the gentleman from Pennsylvania in regard to his inquiry that the rule provides that a Member will be recognized in opposition. The gentleman from Washington (Mr. Bonker) was recognized in opposition, and he shared his time with your side.

MR. WALKER: In other words, the minority, though, was not recognized for the purposes of opposition. Is that correct?

THE CHAIRMAN: The Chair would state that the procedures of the House are governed by its rules, but more importantly in this instance, by the rule adopted by the House as reported from the Committee.

Manager's Right To Make Essential Motion

§ 24.7 The Speaker recognized the manager of a special rule, pending when a recess had been declared to await the copy of an engrossed bill, to withdraw the special rule from consideration.

On Apr. 8, 1964,⁽¹⁸⁾ the House was considering a special rule (H.

16. 132 CONG. REC. 14275, 14276, 99th Cong. 2d Sess.

17. Bob Traxler (Mich.).

18. 110 CONG. REC. 7302-04, 88th Cong. 2d Sess.

Res. 665), offered by Mr. Richard Bolling, of Missouri, from the Committee on Rules, providing for taking a bill from the Speaker's table and agreeing to Senate amendments thereto. Before a vote was had on the resolution, Speaker John W. McCormack, of Massachusetts, declared a recess pending the receipt of an engrossed bill, H.R. 10222, the Food Stamp Act of 1964. When the House reconvened, the Speaker announced that the unfinished business was the reading of the latter bill. Mr. Oliver P. Bolton, of Ohio, made a parliamentary inquiry as to the status of the resolution pending at the recess and the Speaker, without responding to the inquiry, recognized Mr. Bolling, the manager of the resolution, who then withdrew the resolution from consideration. In answer to further parliamentary inquiries, the Speaker stated that the withdrawal of the resolution terminated the reason for the parliamentary inquiry.

Parliamentarian's Note: The rules no longer permit a Member to demand the reading of an engrossed bill.

Manager's Right To Withdraw Resolution; Effect on Debate

§ 24.8 A Member calling up a privileged resolution from

the Committee on Rules is recognized for a full hour notwithstanding the fact that as manager he has previously called up the resolution and withdrawn it after debate.

On Apr. 8, 1964,⁽¹⁹⁾ Mr. Richard Bolling, of Missouri, called up at the direction of the Committee on Rules House Resolution 665, making in order the consideration of a bill. As noted above (§24.7, supra), Mr. Bolling withdrew this resolution in order that the engrossed copy of a bill could be taken up as unfinished business. In response to a parliamentary inquiry, the Speaker, John W. McCormack, of Massachusetts, stated that when the Committee on Rules resolution was again brought up, the Member calling it up would be recognized for a full hour despite the fact that it had already been brought up and withdrawn:

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Speaker, in view of the withdrawal of the resolution by the gentleman from Missouri [Mr. Bolling] do I understand that we start all over again on the consideration of the rule for the wheat-cotton bill?

THE SPEAKER: When the gentleman calls it up, the understanding of the gentleman is correct.

19. 110 CONG. REC. 7303-08, 88th Cong. 2d Sess.

MR. HALLECK: We will start all over again with 30 minutes on a side?

THE SPEAKER: That is correct.

Manager's Right To Offer and Debate Amendments

§ 24.9 Recognition to offer amendments is first extended to the manager of a bill, and the fact that the Committee of the Whole has just completed consideration of one amendment offered by the manager does not preclude his being recognized to offer another.

On Apr. 6, 1967,⁽²⁰⁾ Robert W. Kastenmeier, of Wisconsin, was the Member in charge of H.R. 2512, being considered for amendment in the Committee of the Whole. Mr. Kastenmeier had offered an amendment, which was adopted by the Committee. He then immediately offered another amendment. Mr. Byron G. Rogers, of Colorado, made a point of order against recognition for that purpose, and Chairman John H. Dent, of Pennsylvania, overruled the point of order:

MR. ROGERS of Colorado: The gentleman from Wisconsin just offered an amendment, and certainly I as a member of the committee ought to have the privilege of offering an amendment.

20. 113 CONG. REC. 8617, 8618, 90th Cong. 1st Sess.

THE CHAIRMAN: The gentleman from Wisconsin is manager of the bill. The Chair recognizes the gentleman from Wisconsin.

§ 24.10 In the Committee of the Whole, the Member in charge of the bill may speak again on an amendment where debate under the five-minute rule is limited (and the remaining time is allocated by the Chair).

On June 25, 1952,⁽¹⁾ during consideration of amendments to a bill in the Committee of the Whole, a motion was agreed to to close debate on a pending amendment and all amendments thereto at a certain time. Chairman Wilbur D. Mills, of Arkansas, answered a parliamentary inquiry as to the right to be recognized, under the limitation, of the Member in charge of the bill:

MR. [CLARE E.] HOFFMAN of Michigan: Under this limitation is the chairman of the committee, who has already spoken once on this amendment, entitled to be heard again under the rule?

THE CHAIRMAN: The chairman of the committee could rise in opposition to a pro forma amendment and be recognized again.

MR. HOFFMAN of Michigan: Under the limitation?

THE CHAIRMAN: Yes; under the limitation.

1. 98 CONG. REC. 8028, 82d Cong. 2d Sess.

Extension of Debate Time

§ 24.11 Although the manager of a bill has control of time for general debate in the Committee of the Whole, he may not consume more than one hour except by unanimous consent.

For example, on June 22, 1958,⁽²⁾ Mr. Clarence Cannon, of Missouri, was in control of time for debate on an appropriation bill. Chairman James J. Delaney, of New York, advised him that he had consumed one hour. When Mr. Cannon indicated he needed more time, the Chairman asked whether there was objection to Mr. Cannon's proceeding for one additional minute. Mr. Donald W. Nicholson, of Massachusetts, objected to the request.

Likewise, on Mar. 6, 1962,⁽³⁾ Mr. J. Vaughan Gary, of Virginia, was in control of time for general debate on an appropriation bill. When Chairman W. Homer Thornberry, of Texas, advised him that he had consumed one hour of his time, he asked and was given permission by unanimous consent to proceed for five additional minutes.⁽⁴⁾

2. 104 CONG. REC. 14647, 85th Cong. 2d Sess.

3. 108 CONG. REC. 3484-89, 87th Cong. 2d Sess.

4. See also 115 CONG. REC. 21174-78, 91st Cong. 1st Sess., July 29, 1969;

Yielding Time to Self

§ 24.12 Under the five-minute rule in the Committee of the Whole the Member handling a bill has preference in recognition for debate but the power of recognition remains with the Chair and the Member cannot "yield" himself time for debate.

On Mar. 26, 1965,⁽⁵⁾ Adam C. Powell, of New York, was the Member in charge of debate on H.R. 2362, the Elementary and Secondary Education Act of 1965, which was being considered for amendment under the five-minute rule in the Committee of the Whole. Mr. Powell arose and stated "I yield myself 5 minutes." Chairman Richard Bolling, of Missouri, stated as follows:

The gentleman cannot yield himself 5 minutes. The Chair assumes he moves to strike out the last word.

Mr. Melvin R. Laird, of Wisconsin, objected that Mr. Powell had not moved to strike out the last word, and so moved himself. The Chairman first recognized Mr. Powell for the pro forma amendment, as manager of the bill and chairman on the Committee on Education and Labor.

and 111 CONG. REC. 26258, 89th Cong. 1st Sess., Oct. 7, 1965.

5. 111 CONG. REC. 6113, 89th Cong. 1st Sess.

Manager Allotting Time to Others; Effect on Allotted Time Where Manager Loses Floor

§ 24.13 A Member in control as manager of the time for debate under the hour rule may allot portions of his time to other Members; but if he loses the floor (by yielding for an amendment), Members who have been promised time by him also lose the right of recognition.

On Nov. 29, 1967,⁽⁶⁾ Mr. William R. Anderson, of Tennessee, called up by direction of the Committee on Rules House Resolution 960, authorizing travel by members of the Committee on Education and Labor for investigatory purposes. Mr. Anderson yielded to Mr. Durward G. Hall, of Missouri, to offer an amendment, thereby surrendering control of the resolution to Mr. Hall. When Speaker Pro Tempore Carl Albert, of Oklahoma, stated that the question was on the resolution, a parliamentary inquiry was raised:

MR. [H. ALLEN] SMITH of California: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state the parliamentary inquiry.

6. 113 CONG. REC. 34136-38, 90th Cong. 1st Sess.

MR. SMITH of California: I was yielded 30 minutes a while ago by the gentleman from Tennessee [Mr. Anderson]. Do I not have that time?

THE SPEAKER PRO TEMPORE: When the gentleman from Tennessee [Mr. Anderson] yielded to the gentleman from Missouri [Mr. Hall] for the purpose of offering an amendment, he surrendered all his time, and the Chair so informed the gentleman from Tennessee.

MR. SMITH of California: If the gentleman has agreed to yield 30 minutes to me, I lose it?

THE SPEAKER PRO TEMPORE: When the gentleman yielded for the purpose of amendment.

Motion To Postpone

§ 24.14 A motion to postpone further consideration of a privileged resolution (to censure a Member) may be offered before the manager of the resolution has been recognized for debate, and is debatable for one hour controlled by the Member offering the motion.

On May 29, 1980,⁽⁷⁾ the following proceedings occurred in the House:

MR. [CHARLES E.] BENNETT [of Florida]: Mr. Speaker, by direction of the Committee on Standards of Official Conduct, I call up a privileged resolution (H. Res. 660) in the matter of Rep-

7. 126 CONG. REC. 12649, 12650, 96th Cong. 2d Sess.

representative Charles H. Wilson, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 660

Resolved,

(1) That Representative Charles H. Wilson be censured; . . .

(4) That the House of Representatives adopt the report of the Committee on Standards of Official Conduct dated May 8, 1980, in the matter of Representative Charles H. Wilson.

MR. [JOHN H.] ROUSSELOT [of California]: Mr. Speaker, I offer a motion. The Clerk read as follows:

Mr. Rousselot moves to postpone further consideration of House Resolution 660 until June 10, 1980.

THE SPEAKER:⁽⁸⁾ The Chair recognizes the gentleman from California (Mr. Rousselot) for 1 hour.

Manager's Discretion as to Motion To Rise

§ 24.15 The motion that the Committee of the Whole rise (thereby cutting off debate) is within the discretion of the Member handling the bill before the Committee.

On June 16, 1948,⁽⁹⁾ Mr. Walter G. Andrews, of New York, was handling the consideration of H.R. 6401 in the Committee of the Whole. He moved that the Com-

8. Thomas P. O'Neill, Jr. (Mass.).

9. 94 CONG. REC. 8521, 80th Cong. 2d Sess.

mittee rise, and Chairman Francis H. Case, of South Dakota, ruled that the motion was within Mr. Andrews' discretion:

MR. ANDREWS of New York: Mr. Chairman, in view of the fact that two or three Members who have time are not here, I move that the Committee do now rise.

THE CHAIRMAN: The question is on the motion offered by the gentleman from New York [Mr. Andrews].

MR. [GEORGE A.] SMATHERS [of Florida]: Mr. Chairman, I would like to be heard on that.

THE CHAIRMAN: That is not a debatable motion. It is always within the discretion of the gentleman handling the bill to move that the Committee rise.

Manager's Discretion in Moving To Close Debate

§ 24.16 During five-minute debate in the Committee of the Whole, the Member managing the bill is entitled to prior recognition to move to close debate on a pending amendment, over other Members who desire to debate the amendment or to offer amendments thereto.

On Nov. 25, 1970,⁽¹⁰⁾ the Committee of the Whole was conducting five-minute debate on H.R. 19504, which was being han-

10. 116 CONG. REC. 38990, 91st Cong. 2d Sess.

dled by Mr. John C. Kluczynski, of Illinois. Mr. Kluczynski was recognized by Chairman Chet Holifield, of California, to move that all debate on the pending amendment immediately close. The motion was adopted; Mr. Jonathan B. Bingham, of New York, attempted to offer an amendment and Mr. Andrew Jacobs, Jr., of Indiana, attempted to debate the amendment on which debate had been closed. The Chairman stated:

The Chair had not recognized the gentleman from New York or the gentleman from Indiana. The Chair had recognized the gentleman from Illinois (Mr. Kluczynski). The gentleman from Indiana misunderstood the Chair had recognized him. The Chair had to recognize the gentleman from Illinois as the chairman of the subcommittee.

Closing Debate

§ 24.17 The proponents of a bill before the House have the right to conclude debate thereon.

On Nov. 13, 1941,⁽¹¹⁾ the House discussed the division of time for debate on a pending bill; Speaker Pro Tempore Jere Cooper, of Tennessee, stated in response to a parliamentary inquiry that the proponents of a bill had the right to close debate:

MR. [HAMILTON] FISH [Jr., of New York]: Mr. Speaker, we have two

11. 87 CONG. REC. 8880, 8881, 77th Cong. 1st Sess.

speakers on our side in opposition to this important measure. I am informed there are two speakers on the other side. I recognize, of course, that the chairman of the Committee on Foreign Affairs has the right to close the debate, but I insist on the right of the minority that the opposition should be given the next to the last speech on this important measure.

My inquiry is, if I have not correctly stated the situation?

THE SPEAKER PRO TEMPORE: The Chair will state in response to the parliamentary inquiry that under the rules of the House the gentleman from New York [Mr. Bloom], chairman of the committee in charge of the bill, is entitled to close the debate. With reference to recognition of Members prior to close of debate, of course, that is under the control of the gentleman in charge of the time.

MR. [EARL C.] MICHENER [of Michigan]: Mr. Speaker, a further parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. MICHENER: With all due respect to the Speaker pro tempore, may I call his attention to the fact that if his ruling is construed literally it will permit the chairman of the committee controlling the time—

MR. [SOL] BLOOM [of New York]: Mr. Speaker, I shall yield to the gentleman from New York, and will put on a speaker, then he can put on a speaker.

MR. MICHENER: May I finish my parliamentary inquiry?

THE SPEAKER PRO TEMPORE: The gentleman is entitled to complete his parliamentary inquiry.

MR. MICHENER: Reverting to my question before I was interrupted by

the gentleman from New York: If the chairman of the committee controlling the time is permitted to close the debate and is not limited to one speaker in closing the debate, would it not be possible for such a chairman to open the debate, for instance, and then compel the opposition to use all of its time before the proponent used any more time?

THE SPEAKER PRO TEMPORE: The gentleman is correct.

MR. MICHENER: That right to close debate means one speech. If it meant two, it might mean three, and if it meant three it might mean four. It might be within the power of the proponents of any bill to compel the other side to put on all their speakers, then wind up with only the speeches of the proponents. Such a precedent should not be set. Am I correct?

THE SPEAKER PRO TEMPORE: The gentleman is correct in the statement that the proponents of the bill have the right to close debate. That has been the holding of the Chair and it is in line with an unbroken line of precedents of the House. The Chair has no way of knowing how many different Members the gentlemen in charge of the time on the two sides may desire to yield time to. The Chair holds that the proponents of the bill are entitled to close debate.⁽¹²⁾

§ 24.18 The manager of a bill in the Committee of the Whole,

12. See also §7.13, *supra* (while the Member who demands a second on a motion to suspend the rules is recognized for 20 minutes of debate, it is customary for the Speaker to recognize the Member making the motion to conclude the debate).

and not the proponent of the pending amendment, is entitled to close debate on the amendment.

On July 9, 1965,⁽¹³⁾ the Committee of the Whole was considering H.R. 6400, the Voting Rights Act of 1965, under the terms of a unanimous-consent agreement providing two hours' debate on an amendment, to be divided and controlled by Chairman Emanuel Celler, of New York, and the ranking minority member, Mr. William M. McCulloch, of Ohio, of the Committee on the Judiciary, which had reported the bill. Chairman Richard Bolling, of Missouri, ruled that Mr. Celler, as manager of the bill, and not Mr. McCulloch, the proponent of the pending amendment, had the right to close debate on the amendment:

MR. CELLER: Mr. Chairman, may I ask how much time remains on this side?

THE CHAIRMAN: The gentleman from New York has 4 minutes remaining and the gentleman from Ohio 1 minute.

MR. CELLER: Mr. Chairman, will the gentleman from Ohio yield me 1 minute he has remaining so that we can close debate on this side?

MR. MCCULLOCH: Mr. Chairman, a parliamentary inquiry.

13. 111 CONG. REC. 16228, 89th Cong. 1st Sess.

THE CHAIRMAN: The gentleman will state the parliamentary inquiry.

MR. McCULLOCH: Mr. Chairman, since the debate at this time is on the substitute amendment, pursuant to the rule, would not the privilege of closing debate come to this side of the aisle?

THE CHAIRMAN: The closing of debate, the Chair will inform the gentleman from Ohio, would be in the hands of the manager of the bill.

§ 24.19 The manager of a bill is entitled to close general debate, and the minority Member controlling one-half the time must consume it or yield it back prior to closing of debate.

On Mar. 2, 1976,⁽¹⁴⁾ the Committee of the Whole having under consideration H.R. 10760 (Black Lung Benefits Reform Act of 1976), the following exchange occurred:

MR. [JOHN H.] DENT [of Pennsylvania]: Mr. Chairman, does the gentleman from Illinois have any further requests for time?

MR. [JOHN N.] ERLNBORN [of Illinois]: Mr. Chairman, I have no further requests for time and reserve the balance of my time.

MR. DENT: Mr. Chairman, I yield myself the balance of the time remaining, which is around 3 minutes, I think.

THE CHAIRMAN PRO TEMPORE:⁽¹⁵⁾ The gentleman from Pennsylvania

14. 122 CONG. REC. 4979, 94th Cong. 2d Sess.

15. Jim Lloyd (Calif.).

[manager of the bill] is recognized for 4 minutes.

The Chair will ask now whether the gentleman from Illinois (Mr. Erlernborn) yields back the balance of his time?

MR. ERLNBORN: Is that required, Mr. Chairman? I said I would reserve the balance of my time.

THE CHAIRMAN PRO TEMPORE: The gentleman from Pennsylvania is entitled to close the debate.

MR. ERLNBORN: Well, I do not intend to upstage the gentleman. I do not intend to use my time. If the gentleman is finished and has no further time, then I will yield back the balance of my time.

THE CHAIRMAN PRO TEMPORE: The gentleman from Pennsylvania has 4 minutes.

§ 24.20 The manager from the committee reporting a bill has the right to close debate on an amendment under the five-minute rule, and not the sponsor of the amendment.

On July 29, 1982,⁽¹⁶⁾ during consideration of H.R. 6030 (military procurement authorization for fiscal year 1983) in the Committee of the Whole, the Chair responded to a parliamentary inquiry regarding the conclusion of debate, as follows:

MR. [EDWARD J.] MARKEY [of Massachusetts]: Mr. Chairman, I have a parliamentary inquiry.

16. 128 CONG. REC. 18582, 97th Cong. 2d Sess.

THE CHAIRMAN:⁽¹⁷⁾ The gentleman will state it.

MR. MARKEY: Mr. Chairman, is it not my right as the maker of the amendment to make the concluding statement on the pending amendment?

THE CHAIRMAN: The Committee has the right to close.

Moving Previous Question

§ 24.21 The Member calling up a proposition in the House may move the previous question and cut off further debate.

On Jan. 4, 1965,⁽¹⁸⁾ at the convening of the 89th Congress and before the adoption of rules, Mr. Carl Albert, of Oklahoma, offered a resolution and, after some debate, moved the previous question:

MR. ALBERT: Mr. Speaker, I offer a resolution (H. Res. 2) and ask for its immediate consideration.

The Clerk read as follows:

H. RES. 2

Resolved, That the Speaker is hereby authorized and directed to administer the oath of office to the gentleman from New York, Mr. Richard L. Ottinger.

MR. ALBERT: Mr. Speaker, again this is a resolution involving a Member whose certificate of election in due form is on file in the Office of the

Clerk. I ask for the adoption of the resolution.

MR. [JAMES C.] CLEVELAND [of New Hampshire]: Mr. Speaker, will the gentleman yield for a parliamentary inquiry?

MR. ALBERT: I yield for a parliamentary inquiry.

MR. CLEVELAND: If this resolution is adopted, will it be impossible for me to offer my own resolution pertaining to the same subject matter, either as an amendment or a substitute?

THE SPEAKER:⁽¹⁹⁾ If the resolution is agreed to, it will not be in order for the gentleman to offer a substitute resolution or an amendment, particularly if the previous question is ordered.

MR. CLEVELAND: Is it now in order, Mr. Speaker?

THE SPEAKER: Not unless the gentleman from Oklahoma yields to the gentleman for that purpose.

MR. CLEVELAND: Mr. Speaker, will the gentleman yield?

MR. ALBERT: The gentleman from Oklahoma does not yield for that purpose.

MR. CLEVELAND: Mr. Speaker, a parliamentary inquiry. Will there be any opportunity to discuss the merits of this case prior to a vote on the resolution offered by the gentleman from Oklahoma?

THE SPEAKER: The gentleman from Oklahoma has control over the time. Not unless the gentleman from Oklahoma yields for that purpose.

MR. CLEVELAND: Will the gentleman from Oklahoma yield for that purpose?

MR. ALBERT: Mr. Speaker, I yield for a question and a very brief statement. I do not yield for a speech.

17. Les AuCoin (Oreg.).

18. 111 CONG. REC. 20, 89th Cong. 1st Sess.

19. John W. McCormack (Mass.).

MR. CLEVELAND: May I inquire if the gentleman will yield so that I may ask for unanimous consent that certain remarks of mine pertaining to this matter be incorporated in the Record?

MR. ALBERT: No. Mr. Speaker, I move the previous question.

MR. [THOMAS G.] ABERNETHY [of Mississippi]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: Does the gentleman from Oklahoma yield to the gentleman from Mississippi for the purpose of submitting a parliamentary inquiry?

MR. ALBERT: Mr. Speaker, I move the previous question on the resolution.

THE SPEAKER: The question is on the motion.

The previous question was ordered.

The resolution was agreed to.

On Mar. 11, 1941,⁽²⁰⁾ the House was considering House Resolution 131 under the terms of a unanimous-consent request providing for two hours of debate and dividing control of debate between Mr. Sol Bloom, of New York, and Mr. Hamilton Fish, Jr., of New York. Mr. Bloom moved the previous question prior to the expiration of the two hours' time, and Mr. Martin J. Kennedy, of New York, objected on the ground that the unanimous-consent agreement was not being complied with in that the previous question had been demanded prematurely.

20. 87 CONG. REC. 2177, 2178, 77th Cong. 1st Sess.

Speaker Sam Rayburn, of Texas, ruled that the previous question could be moved at any time in the discretion of the Members controlling debate on the resolution.

§ 24.22 A Member calling up a bill or joint resolution in the House pursuant to a special order controls one hour of debate thereon and may offer an amendment thereto and move the previous question on the amendment and on the bill or joint resolution.

On Nov. 3, 1977,⁽¹⁾ the proceedings relating to consideration of House Joint Resolution 643 (continuing appropriations) in the House were as follows:

MR. [GEORGE H.] MAHON [of Texas]: Mr. Speaker, pursuant to the rule just adopted, I call up the joint resolution (H.J. Res. 643) making further continuing appropriations for the fiscal year 1978, and for other purposes. . . .

The Clerk read the joint resolution, as follows:

H.J. RES. 643

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or

1. 123 CONG. REC. 36970, 36971, 95th Cong. 1st Sess.

other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1978, namely:

Sec. 101. Such amounts as may be necessary for continuing projects or activities which were conducted in the fiscal year 1977, and for which appropriations, funds, or other authority would be available in the District of Columbia Appropriations Act, 1978 (H.R. 9005) as passed the House of Representatives or the Senate. . . .

THE SPEAKER:⁽²⁾ The gentleman from Texas (Mr. Mahon) is recognized for 1 hour.

MR. MAHON: Mr. Speaker, Members need to understand what our problem is at the moment. In view of the fact that final action has not been taken on the District of Columbia appropriation bill and on the Labor-Health, Education, and Welfare bill, we have to have a continuing resolution. . . .

Mr. Speaker, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. Mahon: On page 2, line 6, strike the period and insert the following: “: *Provided further*; That the rate of operations for the Disaster Loan Fund of the Small Business Administration contained in said Act shall be the rate as passed the Senate. . . .

MR. MAHON: It is absolutely urgent that we find a way to get this continuing resolution acted upon by the Congress tomorrow, since we cannot do it tonight. It is imperative that we get through the Congress a continuing resolution on tomorrow and send it to the President. Otherwise, there will be some very serious problems.

2. Thomas P. O'Neill, Jr. (Mass.).

Mr. Speaker, I move the previous question on the amendment and the joint resolution to final passage.

The previous question was ordered.

The amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

—Previous Question as Terminating Debate Time Previously Yielded

§ 24.23 The Member recognized to control one hour of debate in the House may, by moving the previous question, terminate utilization of debate time he has previously yielded to the minority.

On Mar. 9, 1977,⁽³⁾ it was demonstrated that a Member calling up a privileged resolution in the House may move the previous question at any time, notwithstanding his prior allocation of debate time to another Member:

THE SPEAKER:⁽⁴⁾ The gentleman from Missouri (Mr. Bolling) is recognized for 1 hour.

MR. [RICHARD] BOLLING [of Missouri]: Mr. Speaker, I yield 30 minutes to the gentleman from Illinois (Mr. Anderson), for the minority, pending which I yield myself 5 minutes. . . .

3. 123 CONG. REC. 6816, 95th Cong. 1st Sess.

4. Thomas P. O'Neill, Jr. (Mass.).

Mr. Speaker, the other amendment that the gentleman offers proposes to give the House the opportunity to vote up or down in a certain period of time regulations proposed by the select committee. What that does, and it really demonstrates an almost total lack of understanding of the rules, is to upgrade regulations into rules. The Members of the House will have the opportunity to deal with all laws and rules. That is provided in the resolution. . . .

Mr. Speaker, I move the previous question on the resolution. . . .

MR. [JOHN B.] ANDERSON of Illinois: I have time remaining. Do I not have a right to respond to the gentleman from Missouri?

THE SPEAKER: Not if the previous question has been moved, and it has been moved.

MR. ANDERSON of Illinois: Even though the gentleman mentioned my name and made numerous references to me for the last 10 minutes?

THE SPEAKER: The Chair is aware of that.

The question is on ordering the previous question.

Bill Called Up in House by Unanimous Consent

§ 24.24 Where the House has agreed to consider in the House a bill called up by unanimous consent, the Member calling up the bill is recognized for one hour, and amendments may not be offered by other Members unless the Member in charge yields for that purpose.

On Oct. 5, 1962,⁽⁵⁾ Mr. Francis E. Walter, of Pennsylvania, obtained unanimous consent for the consideration of a bill, but before he began speaking, Mr. Arch A. Moore, Jr., of West Virginia, a minority Member, offered an amendment. After Mr. Walter was recognized to control the time (one hour) on the bill, Speaker John W. McCormack, of Massachusetts, asked Mr. Walter whether he was willing to accept the amendment, and Mr. Walter answered in the affirmative.

§ 24.25 When a bill is called up by unanimous consent for consideration in the House, the Member making the request is recognized for one hour.

On Mar. 12, 1963,⁽⁶⁾ Mr. Emanuel Celler, of New York, asked unanimous consent for the immediate consideration in the House of private bill H.R. 4374, to proclaim Sir Winston Churchill an honorary citizen of the United States. Speaker John W. McCormack, of Massachusetts, answered parliamentary inquiries on the control and time for debate:

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, under what circumstances

5. 108 CONG. REC. 22606-09, 87th Cong. 2d Sess.

6. 109 CONG. REC. 3993, 88th Cong. 1st Sess.

will this resolution be considered? Will there be any time for discussion of the resolution, if unanimous consent is given?

THE SPEAKER: In response to the parliamentary inquiry of the gentleman from Iowa, if consent is granted for the present consideration of the bill, the gentleman from New York [Mr. Celler] will be recognized for 1 hour and the gentleman from New York may yield to such Members as he desires to yield to before moving the previous question.

MR. GROSS: Mr. Speaker, further reserving the right to object, is some time to be allocated to this side of the aisle?

MR. CELLER: I intend to allocate half of the time to the other side.

MR. GROSS: Mr. Speaker, I withdraw my reservation of objection.

Member Calling Up Privileged Resolution

§ 24.26 A Member recognized to call up a privileged resolution by direction of the Committee on Rules controls one hour of debate thereon and may offer one or more amendments thereto, and unanimous consent is not required for such purpose.

The proceedings of July 29, 1977,⁽⁷⁾ relating to House consideration of House Resolution 727 (providing for consideration of

7. 123 CONG. REC. 25653–55, 25663, 25664, 95th Cong. 1st Sess.

H.R. 8444, the National Energy Act of 1977) were as follows:

MR. [RICHARD] BOLLING [of Missouri]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 727 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 727

Resolved, That upon the adoption of this resolution it shall be in order to move . . . that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8444) to establish a comprehensive national energy policy. . . .

THE SPEAKER:⁽⁸⁾ The gentleman from Missouri (Mr. Bolling) is recognized for 1 hour.

MR. BOLLING: Mr. Speaker, I yield 30 minutes to the gentleman from Illinois (Mr. Anderson), and pending that, I yield myself such time as I may consume.

Mr. Speaker, I am soon going to ask unanimous consent to correct some errors in language. . . .

Mr. Speaker, I ask unanimous consent that on page 4, line 7, to strike "July 28" and insert "July 29".

THE SPEAKER: Is there objection to the request of the gentleman from Missouri?

MR. [CLIFFORD R.] ALLEN [of Tennessee]: Mr. Speaker, I object. . . .

MR. BOLLING: Mr. Speaker, I offer an amendment.

The Clerk read as follows:

8. Thomas P. O'Neill, Jr. (Mass.).

Amendment offered by Mr. Bolling: On page 4, line 7, strike out July 28 and insert July 29.

THE SPEAKER: The question is on the amendment offered by the gentleman from Missouri (Mr. Bolling).

The amendment was agreed to. . . .

MR. [GARRY] BROWN of Michigan: . . . Mr. Speaker, what was the order of business at the time the gentleman offered the amendment to the rule?...

I was not sure whether or not the Chair had decided to take up the rule at that time because the gentleman's unanimous-consent request was made after we started consideration of the rule. Is that correct?

THE SPEAKER: The rule is pending at the present time. The gentleman has asked unanimous consent for a couple of technical amendments, which the gentleman from Tennessee (Mr. Allen) objected to.

The gentleman from Missouri then offered an amendment, which he has authority to do as manager of the resolution and the House has agreed to the first of those.

§ 24.27 The Member calling up a privileged resolution from the Committee on Rules controls one hour of debate in the House, and the resolution is not subject to amendment unless the Member in charge yields for that purpose.

On Feb. 26, 1976,⁽⁹⁾ the following proceedings occurred in the House relative to calling up a res-

9. 122 CONG. REC. 4625, 4626, 94th Cong. 2d Sess.

olution from the Committee on Rules:

MR. [CLAUDE] PEPPER [of Florida]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 868 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 868

Resolved, That Rule XI of the Rules of the House of Representatives is amended by adding at the end thereof the following new clause:

"7. It shall not be in order to consider any report of a committee unless copies or reproductions of such report have been available to the Members on the floor for at least two hours before the beginning of such consideration. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER:⁽¹⁰⁾ The gentleman will state it.

MR. BAUMAN: Mr. Speaker, this resolution is to be considered in the House which would preclude an amendment from being offered by any Member.

THE SPEAKER: It is a rule that comes from the Committee on Rules. It is under the charge of the gentleman handling the resolution.

MR. BAUMAN: So unless the gentleman yields for the purpose of an amendment, none would be in order?

THE SPEAKER: The gentleman is correct.

MR. BAUMAN: Mr. Speaker, what unanimous-consent request might be entertained in order to allow amend-

10. Carl Albert (Okla.).

ments to be offered generally? Would it be a request to consider it in the House as in the Committee of the Whole?

THE SPEAKER: No. The gentleman from Florida controls the floor under the 1-hour rule in the House because this is a change in the rules brought to the floor by the Committee on Rules as privileged. Rules changes can be considered in the House.

Member Offering Privileged Resolution Prior to Adoption of Rules

§ 24.28 Prior to the adoption of the rules, a Member offering a privileged resolution on the seating of a Member-elect is entitled to one hour of debate.

On Jan. 10, 1967, prior to the adoption of rules, Mr. Morris K. Udall, of Arizona, offered as privileged House Resolution 1, authorizing the Speaker to administer the oath of office to challenged Member-elect Adam C. Powell, of New York, and referring the question of his final right to a seat to a select committee. Speaker John W. McCormack, of Massachusetts, ruled that Mr. Udall was entitled to recognition for one hour.⁽¹¹⁾

11. 113 CONG. REC. 14, 15, 90th Cong. 1st Sess.

For the privilege and disposition of resolutions before the adoption of rules, see Ch. 1, *supra*.

Limitation on Amendment—Chair May Allocate Time Between Proponent and Opponent

§ 24.29 The Chair has discretion to allocate time under a limitation on an amendment between the proponent and an opponent thereof, to be yielded by them.

On Aug. 5, 1982,⁽¹²⁾ the Committee of the Whole had under consideration House Joint Resolution 521 (nuclear freeze amendment), when the following exchange occurred:

MR. [ALBERT A.] GORE [Jr., of Tennessee]: Mr. Chairman, I ask unanimous consent that debate on all of the perfecting amendments to the resolution end at 6:30 p.m., and that debate on the Broomfield substitute be limited to 1 hour, a half hour allocated to each side. . . .

THE CHAIRMAN:⁽¹³⁾ The Chair will state the unanimous-consent request as understood by the Chair.

The gentleman from Tennessee has asked unanimous consent that all debate on perfecting amendments to the resolution cease at 6:30 and that thereafter there will be 1 hour of debate on the Broomfield substitute and all amendments thereto, the time to be equally divided.

Is there objection to the request of the gentleman from Tennessee?

12. 128 CONG. REC. 17758, 97th Cong. 2d Sess.

13. Matthew F. McHugh (N.Y.).

There was no objection. . . .

The Chair will inquire if there are other perfecting amendments to the resolution.

If not, under the previous agreement, by unanimous consent, the gentleman from Michigan (Mr. Broomfield) will be afforded the opportunity to offer his amendment in the nature of a substitute.

There will be an hour of debate on that substitute and all amendments thereto. The time will be equally divided between the gentleman from Wisconsin (Mr. Zablocki) and the gentleman from Michigan (Mr. Broomfield).

Five-minute Debate May Not Be Reserved

§ 24.30 The Member recognized for five minutes in support of her motion to recommit with instructions must use or yield back all of that time, and may not reserve a portion thereof.

On June 26, 1981,⁽¹⁴⁾ during consideration of H.R. 3982, the Omnibus Budget Reconciliation Act, in the House, the following exchange occurred:

MRS. [CLAUDINE] SCHNEIDER [of Rhode Island]: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER:⁽¹⁵⁾ Is the gentleman opposed to the bill?

14. 127 CONG. REC. 14740, 14792, 97th Cong. 1st Sess.

15. Thomas P. O'Neill, Jr. (Mass.).

MRS. SCHNEIDER: I am, Mr. Speaker, in its present form.

THE SPEAKER: The Clerk will report the motion to recommit.

The Clerk read as follows:

Mrs. Schneider moves to recommit the bill, H.R. 3982, to the Committee on the Budget with instructions to report the bill back forthwith with the following amendments: . . .

THE SPEAKER: The gentlewoman from Rhode Island (Mrs. Schneider) is recognized for 5 minutes. . . .

MRS. SCHNEIDER: Mr. Speaker, I reserve the balance of my time.

THE SPEAKER: The Chair will state that the gentlewoman from Rhode Island (Mrs. Schneider) cannot reserve her time. She must use all of it now.

MRS. SCHNEIDER: Mr. Speaker, I yield back the balance of my time.

THE SPEAKER: The gentlewoman from Rhode Island (Mrs. Schneider) has yielded back her time.

Remaining Time Allocated Between Proponents of Two Amendments; Manager Closes

§ 24.31 Where debate in Committee of the Whole on a pending amendment and amendment thereto has been limited to a time certain, the Chair may in his discretion allocate the remaining time between the proponents of the two amendments, one of whom being the manager of the bill, has the right to close debate.

The following proceedings occurred in the Committee of the

Whole on Mar. 16, 1983,⁽¹⁶⁾ during consideration of House Joint Resolution 13 (nuclear freeze resolution):

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, I move that all debate on the pending amendment and amendment thereto end at 9:15 p.m.⁽¹⁷⁾

THE CHAIRMAN:⁽¹⁸⁾ The question is on the motion offered by the gentleman from Wisconsin (Mr. Zablocki). . . .

So the motion was agreed to. . . .

THE CHAIRMAN: Under the motion just agreed to, debate has been limited to 9:15. The Chair will exercise discretion and apportion the remaining time.

The Chair will recognize the gentleman from Wisconsin (Mr. Zablocki) for 3 minutes, and the gentleman from New York (Mr. Stratton) for 3 minutes. Each of those gentlemen may apportion their 3 minutes as they wish. . . .

The Chair will inquire, does the gentleman from Wisconsin (Mr. Zablocki) wish to exercise his right to allot time?

MR. ZABLOCKI: The gentleman from Wisconsin reserves his time. I reserve the balance of my time.

THE CHAIRMAN: The gentleman from Wisconsin has the right to terminate debate.

Unallocated Time

§ 24.32 Where by unanimous consent debate on a pending

16. 129 CONG. REC. 5792, 5793, 98th Cong. 1st Sess.

17. Mr. Zablocki was the manager of the bill and the proponent of the amendment to the amendment.

18. Matthew F. McHugh (N.Y.).

amendment in Committee of the Whole has been equally divided between the proponent and an opponent of the amendment, those Members control all the remaining time and the Chair does not divide the time among Members standing.

During consideration of the military procurement authorization for fiscal year 1983 (H.R. 6030) in the Committee of the Whole on July 21, 1982,⁽¹⁹⁾ the Chair responded to inquiries regarding recognition for debate time. The proceedings were as follows:

MR. [SAMUEL S.] STRATTON [of New York]: Mr. Chairman, I asked the gentleman to yield for a unanimous-consent request. After consultation with the gentleman from Washington (Mr. Dicks) and with Members on our side, I would like to ask unanimous consent that we agree to vote on the Dicks amendment and all amendments thereto at 7 o'clock, with 1 hour of debate to be controlled by the gentleman from Washington and 1 hour of debate to be controlled by the Member from New York representing the committee.

THE CHAIRMAN PRO TEMPORE:⁽²⁰⁾ The request is for 2 hours of debate time equally divided between the gentleman from Washington (Mr. Dicks) and the gentleman from New York (Mr. Stratton)?

MR. STRATTON: That is correct.

19. 128 CONG. REC. 17345, 97th Cong. 2d Sess.

20. Les AuCoin (Oreg.).

THE CHAIRMAN PRO TEMPORE: Is there objection to the request of the gentleman from New York?

There was no objection.

MR. STRATTON: Mr. Chairman, I have a parliamentary inquiry. . . .

[I]f time is to be controlled by the gentleman from Washington and by myself, is it required that those who wish to participate should stand at this time?

THE CHAIRMAN PRO TEMPORE: The recognition of Members is totally at the discretion of the managers of the time.

MR. [ROBERT E.] BADHAM [of California]: Mr. Chairman, I have a parliamentary inquiry. . . .

Am I given to understand that on this side we have no time; we are not able to have any time? . . .

[T]he gentleman from Washington has 1 hour and the gentleman from New York has 1 hour. I was inquiring as to what time this side had.

THE CHAIRMAN PRO TEMPORE: Under the unanimous-consent request the gentleman from Washington (Mr. Dicks) is recognized for 1 hour, and under the same unanimous-consent request the gentleman from New York (Mr. Stratton) is recognized for 1 hour.

Both managers of time may yield to members of the minority or members of the majority.

Amendment Offered for Which Time Was Not Allocated

§ 24.33 By unanimous consent, the Committee of the Whole agreed at the beginning of general debate to limit and divide control of time for

debate on any amendments to be offered by designated Members to certain paragraphs (or to amendments thereto); and where total time for debate on any amendments to be offered by two Members had been limited and control in favor thereof given to one of those Members by unanimous consent, time consumed on the first amendment offered was deducted from the total time and a third Member offering an amendment was required to obtain debate time from the Member in control.

The following proceedings occurred in the Committee of the Whole on July 23, 1981,⁽¹⁾ during consideration of the energy and water development appropriation bill (H.R. 4144):

MR. [TOM] BEVILL [of Alabama]: Mr. Chairman, I ask unanimous consent that the debate on the amendments by the gentleman from Washington (Mr. Pritchard) and the gentleman from Pennsylvania (Mr. Edgar) in title I to the paragraph entitled "Construction, General" on page 2, be limited to 2 hours, one-half of the time to be controlled equally by the gentleman from Washington and one-half by myself.

THE CHAIRMAN:⁽²⁾ Is there objection to the request of the gentleman from Alabama?

1. 127 CONG. REC. 16983, 16997, 16998, 17014, 97th Cong. 1st Sess.
2. Anthony C. Beilenson (Calif.).

There was no objection. . . .

MR. [JOHN T.] MYERS [of Indiana]: Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. Myers: On page 3, line 1, strike out "\$1,509,941,000" and insert in lieu thereof "\$1,518,941,000". . . .

MR. [JOEL] PRITCHARD [of Washington]: Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. Pritchard to the amendment offered by Mr. Myers: In the proposed amendment strike the sum "\$1,518,941,000" and insert "\$1,320,941,000". . . .

THE CHAIRMAN: The Chair would remind the Members, if the gentleman would suspend, that the gentleman from Washington, under the unanimous-consent agreement, has 55 minutes remaining under his control of the time on this particular amendment or on any subsequent amendment he or the gentleman from Pennsylvania (Mr. Edgar) may offer to the pending paragraph.

The gentleman from Alabama has 60 minutes remaining under his control of time on this or such subsequent amendment.

The Chair now recognizes the gentleman from Washington (Mr. Pritchard) for such further time as he may consume. . . .

MR. [BOB] EDGAR [of Pennsylvania]: Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. Edgar to the amendment offered by Mr. Myers: In the Myers amendment, strike out "\$1,518,941,000" and insert in lieu thereof "\$1,429,941,000".

THE CHAIRMAN: The Chair should point out that under the unanimous-consent agreement, there are 11 minutes remaining under the control of the gentleman from Washington (Mr. Pritchard), and there are 4 minutes remaining under the control of the gentleman from Alabama (Mr. Beville).

The Chair now recognizes the gentleman from Washington (Mr. Pritchard) to yield such time as he desires.

MR. PRITCHARD: Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. Edgar).

Division of Time on Disciplinary Resolution

§ 24.34 The manager of a disciplinary resolution divided his one hour of debate equally among himself, the ranking minority member of the committee, and the Member charged.

On Dec. 18, 1987,⁽³⁾ after calling up a privileged resolution (H. Res. 335) for consideration in the House, the manager of the resolution divided his one hour of debate time, as indicated below:

MR. [JULIAN C.] DIXON [of California]: Mr. Speaker, I call up a privileged resolution (H. Res. 335) in the matter of Representative Austin J. Murphy, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

3. 133 CONG. REC. 36266, 100th Cong. 1st Sess.

H. RES. 335

Resolved, That the House of Representatives adopt the report by the Committee on Standards of Official Conduct dated December 16, 1987, in the matter of Representative Austin J. Murphy of Pennsylvania.

THE SPEAKER PRO TEMPORE:⁽⁴⁾ The gentleman from California [Mr. Dixon] is recognized for 1 hour. . . .

MR. DIXON: Mr. Speaker, I yield 20 minutes to the gentleman from Indiana [Mr. Myers], 20 minutes to the gentleman from Pennsylvania, Mr. Austin J. Murphy, and I will retain 20 minutes for myself. I wish to state that the yielding of such time is for purposes of debate only.

Appropriation Bills—Control Where Time Not Fixed

§ 24.35 When the House resolves itself into the Committee of the Whole for the consideration of an appropriation bill without fixing the time for general debate by unanimous consent, the majority Member first recognized is entitled to an hour and may yield such portions of that time as he desires, and after that hour, a minority Member may be recognized for an hour.

On Mar. 24, 1947,⁽⁵⁾ Mr. Frank B. Keefe, of Wisconsin, moved

4. Dave McCurdy (Okla.).

5. 93 CONG. REC. 2464, 2465, 80th Cong. 1st Sess.

that the House resolve itself into the Committee of the Whole for the consideration of H.R. 2700, an appropriation bill. He proposed a unanimous-consent agreement for time for general debate on the bill, and Mr. John J. Rooney, of New York, objected to the request.

Speaker Joseph W. Martin, Jr., of Massachusetts, then answered a parliamentary inquiry on recognition and time for debate in the Committee of the Whole, where the time and control of debate had not been fixed:

MR. KEEFE: Mr. Speaker, do I understand that on the adoption of the motion to go into the Committee of the Whole House on the State of the Union that there will be 1 hour for general debate for each side?

THE SPEAKER: Under the rule, whoever is first recognized is entitled to 1 hour and, of course, the Member can yield such portions of that time as he wishes. . . .

MR. ROONEY: Mr. Speaker, is it understood that the minority is to have an equal division of the time for debate this afternoon?

THE SPEAKER: After the first hour has been used by the majority, the minority then can have 1 hour under the rule.⁽⁶⁾

6. Since appropriation bills reported by the Committee on Appropriations are privileged for consideration (see Rule XI clause 4(a), *House Rules and Manual* § 726 [1995]), they are normally considered without a special order from the Committee on Rules. See, generally, Ch. 25, *supra*.

—*Debate Controlled by Three Members*

§ 24.36 On one occasion, time in general debate on an appropriation bill in the Committee of the Whole was controlled by three Members: the chairman of the Committee on Appropriations and the chairman and ranking minority member of the Appropriations Subcommittee on the Department of the Interior and Related Agencies.

On Feb. 18, 1958,⁽⁷⁾ Mr. Michael J. Kirwan, of Ohio, made a unanimous-consent request on the control of time for debate on an appropriation bill:

Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10746) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1959, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 2 hours, 1 hour to be controlled by the gentleman from Missouri [Mr. Cannon] and 1 hour to be equally divided and controlled by the gentleman from Iowa [Mr. Jensen] and myself.

THE SPEAKER: ⁽⁸⁾ Is there objection to the request of the gentleman from Ohio?

7. 104 CONG. REC. 2298, 85th Cong. 2d Sess.

8. Sam Rayburn (Tex.).

There was no objection.

Parliamentarian's Note: Mr. Kirwan was the chairman of the Subcommittee on Appropriations for the Department of the Interior and Related Agencies; Mr. Ben F. Jensen, of Iowa, was the ranking minority member of that subcommittee; and Clarence Cannon, of Missouri, was the chairman of the full Committee on Appropriations.

—*Legislative Provisions*

§ 24.37 The Chairman ruled that while members of the Committee on Appropriations are ordinarily entitled to recognition in debate on a general appropriation bill, where a rule was adopted waiving points of order against legislative provisions in the bill, recognition under the five-minute rule would be divided between members of the committee and other Members interested in the bill.

On Mar. 5 and 6, 1941,⁽⁹⁾ the Committee of the Whole was considering H.R. 3737, a general appropriation bill, pursuant to House Resolution 126, waiving all points of order against the bill.

9. 87 CONG. REC. 1846, 1921, 1922, 77th Cong. 1st Sess.

The Committee discussed and Chairman John E. Rankin, of Mississippi, ruled on the procedure for distribution of time, which departed from normal practice:

The gentleman from Georgia [Mr. Pace] has been seeking recognition. The Chair realizes that this is an appropriation bill, and that ordinarily members of that committee would be entitled to preference, but under the rule adopted yesterday we made this part of it a legislative bill by making certain legislation in order. The Chair is going to divide the time between the members of the Appropriations Committee and the other Members of the House who are vitally interested in this proposition. . . .

The Chair may say to the gentleman from Missouri [Mr. Cannon] that there is no written rule on this subject, but within the last two or three decades appropriations have been taken away from other committees and concentrated in the hands of one committee. The Chair is not speaking any more with reference to the Committee on Appropriations than any other committee. It is perfectly fair for a committee to have charge of general debate and probably debate under the 5-minute rule to a large extent, but the Chair does not think it is fair—especially under conditions such as we have here, where a rule has been adopted making legislation that ordinarily comes from the Committee on Agriculture and from other committees of the House in order on the bill—the Chair does think it fair to the rest of the membership of the House to recognize members of the Committee on Ap-

propriations under the 5-minute rule to the exclusion of the other Members of the House.

So far as the present occupant of the chair individually is concerned, if the time should come when that matter is presented, the Chair might go a step further and apply it to all measures coming before the House and considered under the 5-minute rule. If we are going to have legislation by the entire Congress we will have to come to that decision ultimately.

Parliamentarian's Note: The Chairman indicated that his ruling on recognition and distribution of time on the appropriation bill was not to be taken as a precedent, differing as it did from normal practice.

—Unanimous-consent Agreement

§ 24.38 In the consideration of a general appropriation bill, containing all the annual appropriations for the various agencies of the government, it was agreed by unanimous consent that: (1) general debate would run without limit to be equally divided between the chairman and the ranking minority member of the Committee on Appropriations; (2) following the reading of the first chapter of the bill for amendment, not to exceed two hours' gen-

eral debate would be had before the reading of each subsequent chapter, one-half to be controlled by the chairman and one-half by the ranking minority member of the subcommittee in charge of the chapter (to be followed by operation of the five-minute rule on each chapter).

On Apr. 3, 1950,⁽¹⁰⁾ the House was considering H.R. 7786 (the general appropriation bill for 1951). Clarence Cannon, of Missouri, Chairman of the Committee on Appropriations, made the following unanimous-consent request on the control of time for debate, which was agreed to by the House:

Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7786) making appropriations for the support of the Government for the fiscal year ending June 30, 1951, and for other purposes; and pending that I ask unanimous consent that time for general debate be equally divided, one-half to be controlled by the gentleman from New York [Mr. Taber] and one-half by myself; that debate be confined to the bill; and that following the reading of the first chapter of the bill, not to exceed 2 hours general debate be had before the reading of each subsequent

chapter, one-half to be controlled by the chairman and one-half by the ranking minority member of the subcommittee in charge of the chapter.

—Amendments to Appropriation Bill: General Priorities

§ 24.39 On one occasion, the Chairman of the Committee of the Whole announced that in recognizing Members under the five-minute rule for amendments to an appropriation bill, he would alternate recognition between the majority and minority sides of the aisle and would follow these priorities: first, members of the subcommittee handling the bill; second, members of the full Committee on Appropriations; and finally, other Members of the House.

On July 30, 1969,⁽¹¹⁾ Chairman Chet Holifield, of California, made an announcement on the order of recognition during consideration under the five-minute rule of H.R. 13111, appropriations for the Departments of Labor and Health, Education, and Welfare:

The Chair might state, under the procedures of the House, he is trying to recognize first members of the subcommittee on appropriations handling

10. 96 CONG. REC. 4614, 4615, 81st Cong. 2d Sess.

11. 115 CONG. REC. 21420, 91st Cong. 1st Sess.

the bill and second general members of the Committee on Appropriations. It is his intention to go back and forth to each side of the aisle to recognize Members who have been standing and seeking recognition the longest. The gentlewoman from Hawaii sought recognition all yesterday afternoon, and the Chair was unable to recognize her because of the procedures of the House, having to recognize Members on both sides of the aisle who are members of the committee. I wish the Members to know that the Chair will recognize them under the normal procedures.

Parliamentarian's Note: Normally subcommittee membership does not accord a priority in recognition, full committee seniority being the determining factor.

Motion To Instruct Conferees

§ 24.40 Under a former practice, a Member recognized to offer a motion to instruct conferees managed its consideration under the hour-rule and was not required to divide the hour or to yield time for debate.

The following proceedings occurred in the House on June 15, 1988,⁽¹²⁾ during consideration of a motion to instruct conferees on H.R. 3051, the Airline Passenger Protection Act:

MR. [E. CLAY] SHAW [Jr., of Florida]: Mr. Speaker, pursuant to rule XXVIII, clause 1(b), I offer a privileged motion.

12. 134 CONG. REC. 14621, 100th Cong. 2d Sess.

THE SPEAKER PRO TEMPORE:⁽¹³⁾ The Clerk will report the motion.

The Clerk read as follows:

Mr. Shaw moves that the managers on the part of the House at the conference on H.R. 3051 and the Senate amendments thereto be instructed to agree to section 4 of the Senate amendment. . . .

MR. SHAW: Mr. Speaker, I have no further requests for time. I yield back the balance of my time, and I move the previous question on the motion.

MR. [HENRY B.] GONZALEZ [of Texas]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman from Florida will withhold the motion for the previous question.

The gentleman from Texas will state his parliamentary inquiry.

MR. GONZALEZ: Mr. Speaker, at this point, is it not still the rule that an allotted time be permitted to this side of the House inasmuch as the privileged resolution entitles the author of the resolution to 1 hour? I understood the rules provide for some opportunity to discuss this.

THE SPEAKER PRO TEMPORE: The Chair would advise the gentleman from Texas that the gentleman from Florida may, if he wishes, yield time, but he is not required under the rule to divide the time or to yield.

Parliamentarian's Note: The debate on a motion to instruct is now divided according to Rule XXVIII clause (1)(b), *House Rules and Manual* § 909a (1995).

13. Thomas S. Foley (Wash.).

Control of Debate on Conference Report

§ 24.41 Pursuant to Rule XXVIII, clause 2(a) (as amended in the 92d Congress, 1st Session), one hour of debate, equally divided and controlled by the majority and minority parties, is permitted on a conference report.

On Jan. 19, 1972,⁽¹⁴⁾ Mr. Wayne L. Hays, of Ohio, called up the conference report on S. 382, Federal Elections Campaign Act of 1972. Speaker Carl Albert, of Oklahoma, stated in response to a parliamentary inquiry that the total time for debate on the report was limited to one hour, "30 minutes to each side" (the majority and minority). Mr. Hays controlled 30 minutes of debate and Mr. William Springer, of Illinois, controlled the 30 minutes of debate for the minority.

Parliamentarian's Note: Prior to the 1971 revision of clause 2 of Rule XXVIII, a conference report was debatable under the hour rule, with the entire time under the control of the Member calling up the report. See, for example, the statement of Speaker Sam Rayburn, on June 23, 1959,⁽¹⁵⁾

that Mr. Albert Rains, of Alabama, would control one hour of debate on a conference report he had called up.

In the 99th Congress, the pertinent rule governing conference report debate [Rule XXVIII, clause (b)(1)] was amended to provide for a three-way division of the hour. If both the majority and minority are in favor of the report, a Member opposed is entitled to 20 minutes.

Amendments in Disagreement

§ 24.42 Following rejection of a conference report, debate on a motion to dispose of the Senate amendment in disagreement is equally divided between the majority and minority (under the rationale contained in Rule XXVIII clause 2(b) for division of time on a motion to dispose of an amendment reported from conference in disagreement); and, the Member recognized to offer the motion controls the floor and may move the previous question on his motion.

During consideration of the conference report on H.R. 5262 (relating to international financial

14. 118 CONG. REC. 319-24, 92d Cong. 2d Sess.

15. 105 CONG. REC. 11599, 86th Cong. 1st Sess. See also 115 CONG. REC.

40451, 91st Cong. 1st Sess., Dec. 20, 1969.

institutions) in the House on Sept. 16, 1977,⁽¹⁶⁾ the following occurred:

So the conference report was rejected.

The result of the vote was announced as above recorded.

MR. [TOM] HARKIN [of Iowa]: Madam Speaker, I offer a preferential motion. The Clerk read as follows:

Mr. Harkin moves that the House recede from its disagreement to the amendment of the Senate to the text of the bill (H.R. 5262) to provide for increased participation by the United States in the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Asian Development Bank and the Asian Development Funds, and for other purposes, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: . . .

THE SPEAKER PRO TEMPORE:⁽¹⁷⁾ The gentleman from Iowa (Mr. Harkin) will be recognized for 30 minutes in support of his motion, and the gentleman from Ohio (Mr. Stanton) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Iowa (Mr. Harkin). . . .

MR. HARKIN: Madam Speaker, I move the previous question on the preferential motion.

The previous question was ordered.

THE SPEAKER PRO TEMPORE: The question is on the preferential motion

offered by the gentleman from Iowa (Mr. Harkin).

The preferential motion was agreed to.

§ 24.43 The stage of disagreement having been reached on a Senate amendment to a House amendment to a Senate amendment to a House bill, the motion to concur in the Senate amendment takes precedence over a motion to disagree and request a conference, but the Member offering the preferential motion does not thereby obtain control of the time which is controlled by the manager of the bill and is equally divided between the majority and minority.

On Oct. 13, 1977,⁽¹⁸⁾ the House had under consideration H.R. 7555 (Departments of Labor and Health, Education, and Welfare appropriation bill for fiscal 1978) when the following proceedings occurred:

MR. [DANIEL J.] FLOOD [of Pennsylvania]: Mr. Speaker, I move to take from the Speaker's table the bill (H.R. 7555) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies for the fiscal year ending September 30, 1978, and for other pur-

16. 123 CONG. REC. 29597, 29599, 29601, 95th Cong. 1st Sess.

17. Barbara Jordan (Tex.).

18. 123 CONG. REC. 33688, 33689, 33693, 95th Cong. 1st Sess.

poses, with a Senate amendment to the House amendment to Senate amendment numbered 82, disagree to the amendment of the Senate, and request a conference with the Senate on the disagreeing votes of the two Houses.

The Clerk read the title of the bill.

THE SPEAKER:⁽¹⁹⁾ The Clerk will report the motion.

The Clerk read as follows:

MOTION OFFERED BY MR. FLOOD

Mr. Flood moves to take from the Speaker's table the bill H.R. 7555, making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies for the fiscal year ending September 30, 1978, and for other purposes, with a Senate amendment to the House amendment to Senate amendment numbered 82, disagree to the amendment of the Senate, and request a conference with the Senate on the disagreeing votes of the two Houses.

MR. [NEWTON I.] STEERS [Jr., of Maryland]: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Steers of Maryland moves that the House concur in the Senate Amendment to the House Amendment to the Senate Amendment No. 82.

THE SPEAKER: The gentleman from Pennsylvania (Mr. Flood) is in control of the time, and the gentleman is recognized for 30 minutes.

MR. [JOHN J.] RHODES [of Arizona]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. RHODES: Mr. Speaker, since the gentleman from Maryland (Mr. Steers) made the motion which is being considered by the House, does the gentleman from Maryland not have control of the time?

THE SPEAKER: In response to the parliamentary inquiry, the preferential motion made by the gentleman from Maryland (Mr. Steers) does not take the time from the gentleman from Pennsylvania, the chairman of the committee, who previously had the time under his original motion. The motion was in order. The vote will come first on the preferential motion.

The Chair recognizes the gentleman from Pennsylvania (Mr. Flood).

§ 24.44 While the manager of a conference report controls the majority time on all motions with respect to an amendment in disagreement where he has offered an initial motion and sought recognition to control time for debate, he does not necessarily control the majority time on a motion to concur with an amendment offered after the House has voted to recede (a motion to recede and concur having been divided), if: (1) the manager's original motion was to insist, which has been preempted by adoption of the motion to recede, and (2) the manager did not seek recognition to control debate time on the

19. Thomas P. O'Neill, Jr. (Mass.).

motion to recede and concur when it was offered, but allowed the Chair to immediately put the question on receding; in such case, the proponent of the preferential motion to concur with an amendment may be recognized to control one-half the time and a Member of the other party one-half the time under the hour rule as required by Rule XXVIII, clause 2(b).

The following proceedings occurred in the House on Oct. 1, 1982,⁽²⁰⁾ during consideration of House Joint Resolution 599 (continuing appropriations for fiscal year 1983):

THE SPEAKER PRO TEMPORE:⁽¹⁾ The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 83: Page 19, after line 2, insert:

Sec. 151. (a) Section 4109 of title 5, United States Code is amended by adding at the end thereof the following new subsection:

“(c) Notwithstanding subsection (a)(1) of this section, the Administrator, Federal Aviation Administration, may pay an individual training to be an air traffic controller . . . at the applicable rate of basic pay for the hours of training officially ordered or approved in excess of forty

hours in an administrative work-week.”. . .

MR. [JAMIE L.] WHITTEN [of Mississippi]: Mr. Speaker, I offer a motion. The Clerk read as follows:

Mr. Whitten moves that the House insist on its disagreement to the amendment of the Senate numbered 83.

MR. [LAWRENCE] COUGHLIN [of Pennsylvania]: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Coughlin moves that the House recede from its disagreement to the amendment of the Senate numbered 83 and concur therein.

MR. [WILLIAM D.] FORD of Michigan: Mr. Speaker, I demand a division of the question.

THE SPEAKER PRO TEMPORE: The question will be divided.

The Chair will state that the gentleman from Mississippi (Mr. Whitten) has the time. Does the gentleman wish to use his time for debate now?

MR. WHITTEN: Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. Coughlin).

THE SPEAKER PRO TEMPORE: If the gentleman from Mississippi does not seek to control debate time, the Chair will put the question on receding.

The question is, will the House recede from its disagreement to Senate amendment No. 83?

The House receded from its disagreement to Senate amendment No. 83.

THE SPEAKER PRO TEMPORE: For what purpose does the gentleman from Michigan (Mr. Ford) seek recognition?

MR. FORD of Michigan: Mr. Speaker, I offer a preferential motion.

20. 128 CONG. REC. 27295-97, 97th Cong. 2d Sess.

1. Norman Y. Mineta (Calif.).

The Clerk read as follows:

Mr. Ford moves that the House concur in Senate amendment numbered 83 with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following: . . .

THE SPEAKER PRO TEMPORE: Since the House has receded, the gentleman from Mississippi's original motion has been preempted and he did not seek to control time therefore the gentleman from Michigan (Mr. Ford) will be recognized for 30 minutes, and the gentleman from Pennsylvania (Mr. Coughlin) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. Ford).

Concur in Senate Amendment

§ 24.45 A Member making a unanimous-consent request to concur in Senate amendments is not entitled to recognition to control debate on the request; another Member who reserved the right to object to the request should be recognized.

The following proceedings occurred in the House on Oct. 11, 1984,⁽²⁾ during consideration of H.R. 5386 (payment rates for routine home care and other services included in hospice rates). The chairman of the Committee on Ways and Means asked unanimous consent to take the House

2. 130 CONG. REC. 32304, 32305, 98th Cong. 2d Sess.

bill with the Senate amendment from the Speaker's table and concur in the amendment.

Mr. Conable, the ranking member, reserved the right to object, but before entertaining the reservation, the Speaker Pro Tempore⁽³⁾ directed the reading of the Senate amendment.

The Clerk proceeded to read as follows:

Amendment: Page 2, after line 14, insert:

"PUBLIC PENSION OFFSET PROVISIONS."

MR. [DAN] ROSTENKOWSKI [of Illinois] (during the reading): Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the Record.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Illinois?

There was no objection.

THE SPEAKER PRO TEMPORE: The gentleman from Illinois (Mr. Rostenkowski) is recognized.

MR. ROSTENKOWSKI: Mr. Speaker, H.R. 5386 passed the House of Representatives unanimously on October 1, 1984. . . .

MR. [BARBER B.] CONABLE [Jr., of New York]: Mr. Speaker, I have a parliamentary inquiry. . . .

Mr. Speaker, under what procedure is the chairman now proceeding? Has he been recognized for a specific period of time? . . .

THE SPEAKER PRO TEMPORE: The gentleman from Illinois asked unani-

3. Frank Harrison (Pa.).

mous consent to have the Senate amendment considered as read and printed in the Record. The Chair put the unanimous-consent request and at that point heard no reservation and in error recognized the gentleman from Illinois but the Chair should recognize the gentleman from New York under his reservation to the original request.

§ 24.46 A motion to concur in a Senate amendment to a House amendment to a Senate amendment to a House measure, the stage of disagreement having been reached, is debatable for one hour equally divided between the majority and minority parties.

The proceedings of Nov. 6, 1985,⁽⁴⁾ illustrate the principle that a motion to concur in a Senate amendment to a House amendment to a Senate amendment to a House measure, the stage of disagreement having been reached, is debatable for one hour equally divided between majority and minority parties (pursuant to rule XXVIII, clause 2).⁽⁵⁾ This precedent in effect overrules that of Jan. 27, 1976,⁽⁶⁾ which had in-

dictated that the Member offering a preferential motion controls the entire hour where the amendment is not reported from conference in disagreement. The proceedings of Nov. 6, 1985, relating to House Joint Resolution 372, to increase the public debt limit, were as follows:

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 372) entitled "Joint resolution increasing the statutory limit on the public debt."

The message also announced that the Senate concurs in first House amendment to Senate amendment No. 1.

The message also announced that the Senate concurs in second House amendment to Senate amendment No. 1, with an amendment.

The message also announced that the Senate concurs in House amendment to Senate amendment No. 2, with an amendment.

MR. [RICHARD A.] GEPHARDT [of Missouri]: Mr. Speaker, I ask unanimous consent that when the House considers the Senate amendments to the House amendments to the Senate amendments to House Joint Resolution 372, it first consider motions to dispose of the Senate amendment to the House amendment to Senate amendment No. 2.

THE SPEAKER:⁽⁷⁾ Is there objection to the request of the gentleman from Missouri?

4. 131 CONG. REC. 30852, 30853, 30863, 30864, 99th Cong. 1st Sess.

5. *House Rules and Manual* §912a et seq. (1995).

6. See 122 CONG. REC. 1035-1057, 94th Cong. 2d Sess. (conference report on H.R. 9861).

7. Thomas P. O'Neill, Jr. (Mass.).

There was no objection.

PREFERENTIAL MOTION OFFERED BY MR.
MACK

MR. [CONNIE] MACK [III, of Florida]:
Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Mack moves to take from the Speaker's table House Joint Resolution 372, with the Senate amendment to the House amendment to Senate amendment No. 2 and to concur in the Senate amendment as follows:

Senate amendment to House amendment to Senate amendment No. 2.

In lieu of the matter proposed to be inserted by the amendment of the House of Representatives, insert:

TITLE II—DEFICIT REDUCTION PROCEDURES

SEC. 201. SHORT TITLE AND TABLE OF CONTENTS.

(a) Short Title.—This title may be cited as the "Balanced Budget and Emergency Deficit Control Act of 1985". . . .

THE SPEAKER: The gentleman from Florida (Mr. Mack) will be recognized for 30 minutes and the gentleman from Missouri (Mr. Gephardt) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. Mack). . . .

MR. MACK: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. MACK: Mr. Speaker, the purpose of my question is to find out whether the gentleman from Missouri (Mr. Gephardt) has 30 minutes, as I do, or do I control the hour?

THE SPEAKER: The gentleman from Florida (Mr. Mack) has 30 minutes, and the gentleman from Missouri (Mr. Gephardt) has 30 minutes.

Parliamentarian's Note: The motion in this instance, to concur in a Senate amendment to a House amendment to a Senate amendment to a House measure, the stage of disagreement having been reached, is preferential to a motion to disagree and request a conference. When the above message was received from the Senate, the Speaker was obliged to recognize Mr. Mack, a minority member with the most preferential motion to dispose of the Senate amendment to the House amendment to the Senate amendment, although he could have first recognized Mr. Gephardt, to move to disagree and request a conference, subject to recognition of Mr. Mack with an immediate preferential motion to concur.

§ 24.47 Debate on a motion to dispose of an amendment reported from conference in disagreement is equally divided between the majority and minority parties under Rule XXVIII clause 2(b), and where the manager of the conference report making the motion does not immediately seek recognition for debate, the Chair nevertheless

less allocates 30 minutes to him and may recognize a minority Member at that time for 30 minutes.

The House having under consideration the bill H.R. 7797 (relating to foreign assistance appropriations for fiscal year 1978) on Oct. 18, 1977,⁽⁸⁾ the following proceedings occurred:

MR. [CLARENCE D.] LONG of Maryland: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Long of Maryland moves that the House recede from its disagreement to the amendment of the Senate numbered 74 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

"Sec. 503C. Of the funds appropriated or made available pursuant to this Act, not more than \$18,100,000 shall be used for military assistance, not more than \$1,850,000 shall be used for foreign military credit sales, and not more than \$700,000 shall be used for international military education and training to the Government of the Philippines." . . .

THE SPEAKER PRO TEMPORE:⁽⁹⁾ . . . Does the gentleman from Maryland (Mr. Long) seek recognition?

MR. LONG of Maryland: Mr. Speaker, I do not, at this time.

THE SPEAKER PRO TEMPORE: Does the gentleman from Florida (Mr. Young) desire to be recognized.

8. 123 CONG. REC. 34112, 95th Cong. 1st Sess.

9. William H. Natcher (Ky.).

MR. [C. W.] YOUNG of Florida: Mr. Speaker, I do.

THE SPEAKER PRO TEMPORE: The gentleman from Maryland (Mr. Long) and the gentleman from Florida (Mr. Young) will be recognized for 30 minutes each.

§ 24.48 Prior to the amendment to Rule XXVIII, clause 2(b) in the 92d Congress (providing that debate on an amendment in disagreement be divided between the majority and minority parties), debate on an amendment reported from conference in disagreement was under the hour rule and the Member calling up the conference report was in control of the debate on motions disposing of each amendment.

On Aug. 1, 1962,⁽¹⁰⁾ Mr. John E. Fogarty, of Rhode Island, called up a conference report with Senate amendments in disagreement. During consideration of the amendment, Speaker Pro Tempore Carl Albert, of Oklahoma, answered a parliamentary inquiry put by Mr. H. R. Gross, of Iowa:

MR. GROSS: Is the gentleman from Rhode Island [Mr. Fogarty] going to explain any of these amendments?

THE SPEAKER PRO TEMPORE: That is within the discretion of the gentleman.

10. 108 CONG. REC. 15294, 87th Cong. 2d Sess.

MR. GROSS: A further parliamentary inquiry. Does not the gentleman have an hour on each of these amendments?

THE SPEAKER PRO TEMPORE: The gentleman has if he desires to use it.⁽¹¹⁾

Parliamentarian's Note: House Resolution 1153, which was adopted on Oct. 13, 1972, 92d Cong. 2d Sess., to become effective at the end of the 92d Congress, amended Rule XXVIII by requiring that debate on amendments reported from conference in disagreement be equally divided and controlled by the majority and minority parties.

§ 24.49 As each amendment in disagreement between the House and Senate is reported, the Chair recognizes the Member handling the conference report to offer a motion relating to that amendment; and even though another Member offers a preferential motion relating to that amendment which is considered by the House, the Member offering the initial motion remains in control of the debate under the hour rule.

11. See also 108 CONG. REC. 23432-43, 87th Cong. 2d Sess., Oct. 12, 1962.

For a discussion of propositions and motions considered under the hour rule, see § 68, *infra*.

On Oct. 24, 1967,⁽¹²⁾ Mr. Joseph L. Evins, of Tennessee, was handling a conference report being considered by the House on H.R. 9960, the independent offices appropriation for fiscal 1968. As each amendment in disagreement was reported, Speaker John W. McCormack, of Massachusetts, recognized Mr. Evins to make a motion in regard to that amendment. On amendments 58 and 59, Mr. Evins moved that the House insist on its disagreement. Mr. Robert N. Giaimo, of Connecticut, then made the preferential motion that the House recede and concur in those amendments. The House rejected Mr. Giaimo's motion and the Speaker again recognized Mr. Evins as the Member in control of the report.

Parliamentarian's Note: Pursuant to Rule XXVIII, clause 2(b), as amended in the 92d and 99th Congresses, the hour of debate would under current practice be divided and controlled by the majority (the Member calling up the report) and the minority, and, perhaps, by a Member opposed, if both the majority and minority are in agreement.

§ 24.50 Where the proponent of a motion to recede and con-

12. 113 CONG. REC. 29837, 29838, 29842, 90th Cong. 1st Sess.

cur in a Senate amendment failed to seek recognition to debate the motion, the Chair recognized the Member handling the conference report (no other motion being pending).

On May 14, 1963,⁽¹³⁾ the House was considering a conference report and Senate amendments in disagreement, called up and managed by Mr. Albert Thomas, of Texas. Mr. Robert R. Barry, of New York, offered a preferential motion that the House recede and concur in a certain amendment in disagreement. A division of the question was demanded and Speaker John W. McCormack, of Massachusetts, stated that the question was on receding from disagreement.

Mr. Thomas then raised a parliamentary inquiry:

Mr. Speaker, is it in order for the chairman of the House conferees to make a short statement at this time on it?

The Speaker answered that the motion was debatable, and since Mr. Barry did not seek recognition, the Speaker recognized Mr. Thomas on the motion. In answer to a parliamentary inquiry by Mr. Barry, the proponent of the motion, the Speaker stated that Mr.

Thomas had control of time on the motion since he had been recognized.

Parliamentarian's Note: In this case, Mr. Thomas had offered an initial motion (to recede and concur with an amendment) which was ruled out of order. Usually, the manager will offer an initial motion which remains pending if a preferential motion is offered, and the manager controls the majority time on the preferential motion.

§ 25. Distribution and Alternation

The distribution and alternation of time for debate, where time is equally divided or where consideration is proceeding under the five-minute rule, is governed not only by certain rules but by the principles of comity and courtesy between the majority and minority.⁽¹⁴⁾

The Chair may alternate recognition between those favoring and opposing the pending proposition where sides are ascertainable;⁽¹⁵⁾ similarly, where a propo-

13. 109 CONG. REC. 8506, 88th Cong. 1st Sess.

14. See §§ 25.26 et seq., *infra*, for cases where the rules require the division of time.

15. See §§ 25.4, 25.7, 25.21, 25.22, *infra*. For the principle of alternation, see *House Rules and Manual* § 756 (1995).